

FILED

IN THE CIRCUIT COURT OF HAMILTON COUNTY, TENNESSEE

NOV 22 2013

MILTON BROWN

) DOCKET NO. 12C87

Clerk, U. S. District Court
Eastern District of Tennessee
At Chattanooga

Plaintiff

) DIVISION _____

vs

) JURY DEMAND

ELECTRIC POWER BOARD OF
CHATTANOOGA and COMCAST
CABLE COMMUNICATIONS, LLC,

Defendants

2012 JUL 23 AM 9:27
PAULA L THOMPSON, CLERK
BY MLD
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FILED IN OFFICE

COMPLAINT FOR ~~DAMAGES~~ COPY

Comes now Milton Brown, hereafter "Plaintiff" and for their cause of action against the Electric Power Board of Chattanooga and Comcast Cable Communications, LLC would show as follows:

I

Plaintiff is a citizen and resident of Hamilton County, Chattanooga, Tennessee.

The acts complained of occurred in Hamilton County, Chattanooga, Tennessee.

This Court has subject matter and personal jurisdiction over the parties and venue is proper.

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II

Plaintiff Milton Brown was employed at Fuller Cable. Fuller Cable is a subcontractor to Ervin Cable, Ervin Cable having a contract with the Electric Power Board Telecommunications for the maintenance, service and installation

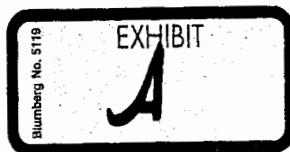


Exhibit 1

of Electric Power Board Telecommunications cable lines and not energized lines.

Comcast Cable Communications, LLC is an entity doing business in Hamilton County, Chattanooga, Tennessee providing cable services through their dedicated cable lines as hereafter stated.

Electric Power Board of Chattanooga is a entity created as a governmental entity for Hamilton County, Chattanooga, Tennessee.

III

Plaintiff while in the course and scope ~~of his employment~~ **COPY** with Fuller Cable under directions through Ervin Cable from Electric Power Board Telecommunications was sagging certain lines on July 22, 2011 consistent with the terms of the contract with Electric Power Board Telecommunications.

The Plaintiff was working in the area of Pole J5051 through Pole J5052.

Plaintiff was taking all necessary precautions as a telecommunications worker while carrying out his functions at the direction of his employer and under the contract with Electric Power Board Telecommunications.

While in the course and scope of his employment the Plaintiff received an electrical shock which caused him to fall from the pole he was working on, leading to a catastrophic injury and loss ~~of his right leg~~ **COPY** above the knee.

IV

Plaintiff would show that on July 22, 2011 and in the above poles set out in the preceding paragraph there existed energized lines of Electric Power

Board. Comcast cable lines and EPB Fiber Optic cable lines were located in the same general area as hereinabove described, Poles J5051 through Pole J5052.

Said energized lines were under the direct control and should have been maintained by the Electric Power Board of Chattanooga.

Comcast cable lines were under the direct control and should have been maintained by Comcast Cable Communications, LLC.

V

Plaintiff would show that one or both of the Defendant entities failed to adequately warn the Plaintiff and/or Plaintiff's employer more accurately warn Electric Power Board fiber optics and/or Ervin Cable that certain lines were not de-energized and/or properly grounded and inspected prior to the work done by the Plaintiff on July 22, 2011.

VI

Plaintiff reserves the right to amend this Complaint subsequent to all discovery to more fully set out any possible specific regulatory, statutory or other violations by one or more of the Defendants.

VII

As a result of the injuries the Plaintiff was caused to incur reasonable and necessary medical expenses, physical therapy, prosthetic therapy and expenses for prosthesis.

Further, Plaintiff would show he was caused to lose valuable time from his employment as a result of the injuries and has sustained a loss of earnings and earning capacity.

VIII

Plaintiff would show that at the time of the injuries he was 50 years old, DOB: 01/28/1961. Plaintiff has a reasonable life expectancy of 23.34 years and a work life expectancy through age 65 of 15 years.

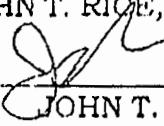
WHEREFORE from the foregoing Plaintiff's prayers for relief are as follows:

1. That proper process issue and be scryed upon the Defendants and that they respond in the time allowed by law. **COPY**
2. That your Plaintiff have and recover of the Defendants \$1,500,000.00 in compensatory injuries and damages and \$1,500,000.00 in punitive damages as a result of the egregious and willful conduct of the Defendants.
3. That your Plaintiff have and recover discretionary costs and Court costs.
4. Plaintiff demands a jury of twelve (12) persons to try the issues when joined.

COPY

Respectfully submitted,

JOHN T. RICE, P.C.

BY: 

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